

FIFTH DAY

(Monday, October 4, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

| | |
|-------------------|-------------------|
| Mr. Speaker | Herzik |
| Adkins | Holland |
| Alexander | Hoskins |
| Alsup | Huddleston |
| Amos | Hull |
| Anderson | Hyder |
| Baker | Jackson |
| Bates | Johnson of Ellis |
| Beckworth | Johnson |
| Bell | of Tarrant |
| Blankenship | Jones of Angelina |
| Boethel | Jones of Atascosa |
| Boyer | Jones of Falls |
| Bradbury | Jones of Wise |
| Bradford | Keefe |
| Bridgers | Keith |
| Broadfoot | Kelt |
| Brown | Kenyon |
| Burton | Kern |
| Callan | King |
| Carssow | Knetsch |
| Cathey | Langdon |
| Cauthorn | Lankford |
| Cleveland | Lanning |
| Colquitt | Lehman |
| Davis of Haskell | Leonard |
| Davis of Jasper | Leyendecker |
| Davisson | Little |
| of Eastland | Loggins |
| Dean | London |
| Deglandon | Lucas |
| Derden | Mann |
| Dickison | Mauritz |
| Dollins | Mays |
| Donaghey | McConnell |
| England | McDonald |
| Farmer | McFarland |
| Felty | McKinney |
| Fielden | Moffett |
| Fox | Monkhouse |
| Fuchs | Morris |
| Gibson | Morse |
| Graves | Newton |
| Hamilton | Nicholson |
| Hankamer | Oliver |
| Hanna | Palmer |
| Harbin | Patterson |
| Hardin | of Travis |
| Harper | Petsch |
| Harrell | Powell |
| Harris of Archer | Prescott |
| Harris of Dallas | Quinn |
| Harris of Dickens | Ragsdale |
| Hartzog | Reader |
| Heflin | Reed of Bowie |

Reed of Dallas
Rhodes
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Sharpe
Shell
Simpson
Skaggs
Smith of Hopkins
Smith of Tarrant

Stinson
Stocks
Talbert
Tarwater
Tennant
Tennyson
Thornberry
Waggoner
Weldon
Westbrook
Winfree
Wood
Worley

Absent

Howard
Leath
Patterson of Mills

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Celaya for today, on motion of Mr. Hartzog.

Mr. Thornton for today, on motion of Mr. Kenyon.

Mr. Stevenson and Mr. Pope for today, on motion of Mr. Harris of Dallas.

Mr. Metcalfe for today, on motion of Mr. Morris.

Mr. Riddle for today, on motion of Mr. Russell.

Mr. Cagle for today, on motion of Mr. Derden.

Mr. Smith of Matagorda for today, on motion of Mr. Fielden.

Mr. Roark for today, on motion of Mr. Langdon.

Mr. Bond for today, on motion of Mr. Brown.

The following Members were granted leaves of absence on account of illness:

Mr. Vale for today, on motion of Mr. Dickison.

Mr. McKee for today, on account of illness in his family, on motion of Mr. Hoskins.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Colquitt:

H. B. No. 51, A bill to be entitled "An Act levying an occupation tax on each person, firm, corporation or association of persons selling, offering for sale, printing or distributing The Racing Form, Harvey Junior, the Chicago Turf or other like publications devoted primarily to the dissemination of information concerning horse races; providing a penalty upon each such person, firm, corporation or association of persons who pursue such occupation without having paid the occupation tax herein levied, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Mays:

H. B. No. 52, A bill to be entitled "An Act relating to occupation tax on the total amount of fees, tolls and service charges collected by any person operating a hotel on local telephone calls made from such hotel by the patrons or guests thereof; providing for an occupation tax of fifty per cent of the total amount of such fees, tolls and service charges collected by any person operating a hotel on local telephone calls made by the guests or patrons thereof; providing for reports and records; imposing forfeitures and penalties for failure to keep records; providing penalties for failure to pay tax; providing for the bringing of suits for the recovery of taxes, penalties and interest; providing for the allocation of the funds collected hereunder; defining certain words used in this Act; providing that if any provision of this Act shall be declared invalid such holding shall not affect the remaining portions hereof, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Metcalfe:

H. B. No. 53, A bill to be entitled "An Act levying a tax on persons, firms, associations and corporations authorizing or issuing licenses, or agreements, for the public rendition of copyrighted musical numbers, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Kelt:

H. B. No. 54, A bill to be entitled "An Act authorizing cities or towns in this State of a population of not less than 15,100 or more than 15,250, according to the last preceding Federal Census, such cities having exclusive control of the schools within its limits, to hold elections for the purpose of applying bond monies already dedicated to public improvements to purposes other than those for which the bond election was authorized or to repurchase and cancel such bonds. Providing that such money may, in the discretion of the governing body, be used for school purposes, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Wood:

H. B. No. 55, A bill to be entitled "An Act releasing all penalties and interest on delinquent taxes due on or before December 31st, 1937, offering certain discounts for the payment of delinquent taxes; making certain exceptions; describing the duties of the Assessor and Collector of Taxes in the various counties of the State; providing for the sale of property for the failure to pay such delinquent taxes within a required time; describing the duties of the County Attorney and District Attorney, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Fielden:

H. B. No. 56, A bill to be entitled "An Act amending House Bill No. 8, page 2040, Chapter 495, Article 2, Section 3 and Section 13, and Article 4, Section 11, of the Third Called Session of the Forty-fourth Legislature, more fully defining persons entitled to Old Age Assistance and the levying of an occupation tax upon the commercial producers of the following natural resources and/or minerals engaged in producing and severing from the soil and/or waters the following natural resources and/or minerals: ores, marble, cinnabar ore, asphalt, fire clay, miscellaneous clays, fuller's earth, granite, gypsum, lignite, lime, limestone, salt, sand and gravel, sandstone, and miscellaneous stone, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Ragsdale and Mr. Rutta:

H. B. No. 57, A bill to be entitled "An Act amending Chapter 148 of the General Laws passed by the Forty-second Legislature at its Regular Session in 1931, by adding thereto a new section to be called Section 2b legalizing, approving and validating bonds voted by any city having a population of not less than 1525 and not more than 1550 according to any Federal Census, and by any city having a population of not less than 4,400 and not more than 4,500 according to any Federal Census, for the purpose of park improvements in and for such city and for the levy of the tax in payment of such bonds under authority of Chapter 148 of the General Laws passed by the Forty-second Legislature at its Regular Session; authorizing the governing body of any such city to adopt all orders, resolutions and ordinances and to do all and further acts necessary in the issuance and sale of such bonds; authorizing such governing body to levy a direct general ad valorem tax on all taxable property in said city for the purpose of paying the interest on and principal of such bonds; enacting provisions incident and necessary to the subject and purpose of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

BILL RE-REFERRED

Mr. Davis of Haskell moved that House Bill No. 48 be withdrawn from the Committee on Insurance, and referred to the Committee on Revenue and Taxation.

Mr. Harris of Dallas moved to table the motion.

The motion to table was lost.

Question then recurring on the motion by Mr. Davis of Haskell, it prevailed.

BILL RECOMMITTED

Mr. Blankenship moved that House Bill No. 20 be recommitted to the Committee on Liquor Traffic for the purpose of holding a public hearing on next Friday afternoon.

Mr. Hanna moved to table the motion by Mr. Blankenship.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 58; nays, 58.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—60

| | |
|------------------|------------------|
| Anderson | Kelt |
| Baker | Kenyon |
| Bell | Knetsch |
| Boethel | Lehman |
| Boyer | Leonard |
| Bridgers | Leyendecker |
| Carssow | Little |
| Cathey | Loggins |
| Cauthorn | Lucas |
| Dean | Mann |
| Dickison | Mays |
| Dollins | McKinney |
| Donaghey | Monkhouse |
| Felty | Morse |
| Gibson | Newton |
| Hankamer | Patterson |
| Hanna | of Travis |
| Hardin | Reader |
| Harris of Dallas | Reed of Dallas |
| Hartzog | Rhodes |
| Heflin | Rutta |
| Herzik | Schuenemann |
| Holland | Settle |
| Hoskins | Sharpe |
| Hull | Shell |
| Hyder | Simpson |
| Jackson | Skaggs |
| Johnson of Ellis | Smith of Tarrant |
| Johnson | Tennant |
| of Tarrant | Waggoner |
| Keith | Weldon |

Nays—65

| | |
|------------------|-------------------|
| Adkins | Harper |
| Alsup | Harrell |
| Bates | Harris of Archer |
| Beckworth | Harris of Dickens |
| Blankenship | Huddleston |
| Bradbury | Jones of Atascosa |
| Bradford | Jones of Falls |
| Broadfoot | Jones of Wise |
| Brown | Keefe |
| Burton | Kern |
| Cleveland | King |
| Davis of Haskell | Langdon |
| Davis of Jasper | Lankford |
| Davisson | Lanning |
| of Eastland | London |
| Deglandon | Mauritz |
| Derden | McConnell |
| England | McDonald |
| Farmer | McFarland |
| Fox | Moffett |
| Graves | Morris |
| Hamilton | Nicholson |
| Harbin | Oliver |

| | |
|---------------|------------------|
| Palmer | Smith of Hopkins |
| Petsch | Stinson |
| Powell | Stocks |
| Prescott | Tarwater |
| Quinn | Tennyson |
| Ragsdale | Thornberry |
| Reed of Bowie | Westbrook |
| Ross | Winfree |
| Russell | Wood |
| Sewell | Worley |

Present—Not Voting

| | |
|---------|---------|
| Fielden | Talbert |
|---------|---------|

Absent

| | |
|-------------------|--------------------|
| Alexander | Fuchs |
| Amos | Howard |
| Callan | Jones of Angelina |
| Colquitt | Leath |
| Davison of Fisher | Patterson of Mills |

Absent—Excused

| | |
|----------|--------------|
| Bond | Roark |
| Cagle | Smith |
| Celaya | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |
| Riddle | |

PAIRED

Mr. Talbert (present), who would vote "nay", with Mr. Thornton (absent), who would vote "yea".

Mr. Fielden (present), who would vote "yea", with Mr. Metcalfe (absent), who would vote "nay".

The Speaker announced that the motion to table was lost.

Mr. Moffett called for a division of the questions in the motion by Mr. Blankenship.

Question first recurring on the motion to recommit House Bill No. 20 to the Committee on Liquor Traffic, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

| | |
|-------------|------------------|
| Adkins | Davis of Haskell |
| Alexander | Davis of Jasper |
| Alsup | Davison |
| Amos | of Eastland |
| Bates | Deglandon |
| Beckworth | Derden |
| Blankenship | England |
| Bradbury | Farmer |
| Bradford | Fox |
| Broadfoot | Graves |
| Brown | Hamilton |
| Burton | Harbin |
| Cleveland | Harper |

| | |
|-------------------|------------------|
| Harrell | Palmer |
| Harris of Archer | Petsch |
| Harris of Dickens | Powell |
| Holland | Prescott |
| Huddleston | Quinn |
| Johnson of Ellis | Ragsdale |
| Jones of Atascosa | Reed of Bowie |
| Jones of Falls | Ross |
| Jones of Wise | Russell |
| Keefe | Sewell |
| Kern | Sharpe |
| King | Smith of Hopkins |
| Langdon | Stinson |
| Lankford | Stocks |
| Lanning | Tarwater |
| London | Tennyson |
| Mauritz | Thornberry |
| McConnell | Waggoner |
| McDonald | Weldon |
| McFarland | Westbrook |
| Moffett | Winfree |
| Morris | Wood |
| Nicholson | Worley |
| Oliver | |

Nays—56

| | |
|------------------|------------------|
| Anderson | Kelt |
| Baker | Kenyon |
| Bell | Knetsch |
| Boethel | Lehman |
| Boyer | Leonard |
| Bridgers | Leyendecker |
| Carssow | Little |
| Cathey | Loggins |
| Cauthorn | Lucas |
| Colquitt | Mann |
| Dean | Mays |
| Dickison | McKinney |
| Dollins | Monkhouse |
| Donaghey | Morse |
| Felty | Newton |
| Fuchs | Patterson |
| Gibson | of Travis |
| Hankamer | Reader |
| Hanna | Reed of Dallas |
| Hardin | Rhodes |
| Harris of Dallas | Rutta |
| Hartzog | Schuenemann |
| Heflin | Settle |
| Herzik | Shell |
| Hoskins | Simpson |
| Hull | Skaggs |
| Hyder | Smith of Tarrant |
| Jackson | Tennant |
| Johnson | |
| of Tarrant | |

Present—Not Voting

| | |
|---------|---------|
| Fielden | Talbert |
|---------|---------|

Absent

| | |
|-------------------|--------------------|
| Callan | Keith |
| Howard | Leath |
| Jones of Angelina | Patterson of Mills |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

PAIRED

Mr. Fielden (present), who would vote "nay", with Mr. Metcalfe (absent), who would vote "yea".

Mr. Talbert (present), who would vote "yea", with Mr. Thornton (absent), who would vote "nay".

Mr. Morse moved, as a substitute motion for the date to hold the hearing, that a public hearing be set for next Wednesday afternoon.

The substitute motion prevailed by the following vote:

Yeas—78

| | |
|------------------|------------------|
| Alexander | Keefe |
| Anderson | Kelt |
| Baker | Kenyon |
| Bell | Knetsch |
| Boethel | Lankford |
| Boyer | Lehman |
| Bridgers | Leonard |
| Carssow | Leyendecker |
| Cathey | Little |
| Cauthorn | Loggins |
| Colquitt | Lucas |
| Davison | Mann |
| of Eastland | Mays |
| Dean | McKee |
| Dickison | McKinney |
| Dollins | Monkhouse |
| Donaghey | Morse |
| England | Newton |
| Felty | Nicholson |
| Fuchs | Palmer |
| Gibson | Patterson |
| Hankamer | of Travis |
| Hanna | Prescott |
| Harbin | Quinn |
| Hardin | Reader |
| Harris of Dallas | Reed of Dallas |
| Heflin | Rhodes |
| Herzik | Rutta |
| Holland | Schuenemann |
| Hoskins | Settle |
| Huddleston | Sharpe |
| Hull | Shell |
| Hyder | Simpson |
| Jackson | Skaggs |
| Johnson of Ellis | Smith of Hopkins |
| Johnson | Smith of Tarrant |
| of Tarrant | Stinson |
| Jones of Falls | Talbert |

Tennant
Waggoner
Winfree

Wood
Worley

Nays—46

| | |
|-------------------|-------------------|
| Adkins | Jones of Atascosa |
| Amos | Jones of Wise |
| Bates | Kern |
| Beckworth | King |
| Blankenship | Langdon |
| Bradbury | Lanning |
| Bradford | London |
| Broadfoot | McConnell |
| Brown | McDonald |
| Burton | McFarland |
| Cleveland | Moffett |
| Davis of Haskell | Morris |
| Davis of Jasper | Oliver |
| Deglandon | Petsch |
| Derden | Powell |
| Farmer | Reed of Bowie |
| Fox | Ross |
| Graves | Russell |
| Hamilton | Sewell |
| Harper | Tennyson |
| Harrell | Thornberry |
| Harris of Archer | Weldon |
| Harris of Dickens | Westbrook |

Present—Not Voting

Fielden

Absent

| | |
|-------------------|--------------------|
| Alsup | Leath |
| Callan | Mauritz |
| Hartzog | Patterson of Mills |
| Howard | Ragsdale |
| Jones of Angelina | Stocks |
| Keith | Tarwater |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Roark |
| Cagle | Smith |
| Celaya | of Matagorda |
| Davison of Fisher | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |
| Riddle | |

PAIRED

Mr. Fielden (present), who would vote "yea", with Mr. Metcalfe (absent), who would vote "nay".

Question then recurring on the motion, as substituted, it prevailed.

Mr. McConnell raised a point of order, on the motion to hold the hearing, on the ground that a two-thirds vote was necessary to set aside a time to consider the bill.

The Speaker overruled the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, Oct. 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted

S. C. R. No. 2, Granting Hon. Allan D. Montgomery, Judge of the 30th Judicial District, permission to be absent from the State for considerable time during the next six months.

Respectfully,

BOB BARKER,

Secretary of the Senate.

TO PROVIDE FOR CERTAIN
INVESTIGATION IN REGARD
TO OLD AGE ASSISTANCE

Mr. Reed of Bowie offered the following resolution:

H. S. R. No. 10, A House Simple Resolution for the obtaining of certain facts in connection with the Old Age Assistance Commission increasing the Old Age Assistance Rolls while the Legislature was in Session and reducing the rolls immediately after adjournment.

Whereas, It was the intention of the Legislature and the spirit of the law, that when a person applying for the Old Age Assistance was investigated and granted such assistance, that such case was completed unless some material change in the status of the applicant was later disclosed; and

Whereas, It is the desire of the House of Representatives to secure accurate information as to the policy of the Old Age Assistance Commission, especially in its acts of increasing the Old Age Assistance Rolls while the Legislature was in Session and immediately after adjournment of this body, at a tremendous cost, putting on a reinvestigation and dropping more than 15,000 from the Old Age Assistance Rolls; and

Whereas, On April 2, 1937, the Forty-fifth Legislature in Regular Session appropriated One Hundred Thousand (\$100,000.00) Dollars out of the Texas Old Age Assistance Fund to the Texas Old Age Assistance Commission in addition to the five per cent (5%) allowed by law for administrative expenses in order that all applicants might be investigated and those eligible under the law receive Old Age Assistance not later than July 1, 1937; and

Whereas, A reinvestigation was made and an approximate total of 132,000 was placed on the Old Age Assistance Rolls; therefore, be it

Resolved by the House of Representatives, That a committee of five Members of the House be appointed by the Speaker to investigate the Old Age Assistance Commission as above set out, and such other matters as may properly come within the scope of the investigation; and, be it further

Resolved, That said committee shall have the power to formulate its own rules of procedure for the obtaining of information and evidence, and shall provide its date and hours of meetings. Said committee shall appoint its own secretary and employees; and, be it further

Resolved, That the committee shall have the power to issue process for witnesses, and case workers, and other so-called investigators of the Old Age Assistance Commission, and such other persons as may be necessary, within this State to compel their attendance and to require them to produce such books, records, and papers as may be necessary for the full investigation herein provided for;

That said committee, upon any disobedience of any subpoena shall have the power to issue a writ of attachment for such disobedient person, which writs may be addressed to and served by any Sheriff or Constable of the State, or the Sergeant-at-Arms of the said committee, which officers shall also serve any subpoena;

That said committee shall further have the power to inspect and make copy of any papers, books, and records, in the files or elsewhere of any Department of the State of Texas as may be relevant to this investigation.

Any member of said committee shall have the power to administer oaths and affirmations and fix the bonds of attached witnesses and generally shall have the power of a District Court to accomplish the purposes provided for in this resolution; and, be it further

Resolved, The committee appointed hereunder shall make report to this House not later than five days after said investigation is completed, and make such recommendations as in their judgment may be necessary to take care of the situation properly that our old people may receive the

just protection to which they are entitled.

REED of Bowie,
FARMER,
ANDERSON,
RHODES,
DERDEN,
CATHEY,
SHELL.

The resolution was read second time.

Mr. Bradbury moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

| | |
|-------------------|-------------------|
| Adkins | Jones of Angelina |
| Alexander | Jones of Atascosa |
| Alsup | Jones of Falls |
| Amos | Jones of Wise |
| Baker | Keefe |
| Bates | Keith |
| Bell | Kenyon |
| Boethel | King |
| Bradbury | Knetsch |
| Bradford | Langdon |
| Bridgers | Lanning |
| Broadfoot | Leyendecker |
| Burton | London |
| Carssow | Mays |
| Cauthorn | McDonald |
| Cleveland | McFarland |
| Davis of Haskell | McKinney |
| Davisson | Moffett |
| of Eastland | Monkhouse. |
| Dean | Morris |
| Dollins | Palmer |
| England | Patterson |
| Felty | of Travis |
| Fox | Powell |
| Fuchs | Prescott |
| Gibson | Russell |
| Graves | Rutta |
| Hamilton | Schuenemann |
| Hankamer | Settle |
| Hanna | Sharpe |
| Harris of Archer | Skaggs |
| Harris of Dickens | Stocks |
| Hartzog | Talbert |
| Heflin | Tennant |
| Herzik | Tennyson |
| Holland | Thornberry |
| Huddleston | Waggoner |
| Hyder | Weldon |
| Jackson | Wood |
| Johnson | |
| of Tarrant | |

Nays—45

| | |
|-----------|-------------|
| Anderson | Blankenship |
| Beckworth | Boyer |

| | |
|------------------|------------------|
| Brown | Mann |
| Cathey | McConnell |
| Colquitt | Morse |
| Davis of Jasper | Newton |
| Deglandon | Oliver |
| Derden | Petsch |
| Dickison | Ragsdale |
| Donaghey | Reader |
| Farmer | Reed of Bowie |
| Fielden | Reed of Dallas |
| Harrell | Rhodes |
| Harris of Dallas | Ross |
| Hull | Sewell |
| Johnson of Ellis | Simpson |
| Kelt | Smith of Hopkins |
| Kern | Smith of Tarrant |
| Lankford | Stinson |
| Lehman | Westbrook |
| Little | Winfree |
| Loggins | Worley |
| Lucas | |

Absent

| | |
|---------|--------------------|
| Callan | Leonard |
| Harbin | Mauritz |
| Hardin | Nicholson |
| Harper | Patterson of Mills |
| Hoskins | Quinn |
| Howard | Shell |
| Leath | Tarwater |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalf | Thornton |
| Pope | Vale |

RELATIVE TO THE CONSIDERATION OF RESOLUTIONS

Mr. Alsup raised a point of order, on further consideration of resolutions, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

HOUSE BILL NO. 10 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act to amend Article 1589 of the Penal Code of the State of Texas, 1925, relating to the fees to be charged by private employment agents in Texas, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 10 ON THIRD
READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

| | |
|-------------------|-------------------|
| Adkins | Jackson |
| Alexander | Johnson of Ellis |
| Alsup | Johnson |
| Amos | of Tarrant |
| Baker | Jones of Angelina |
| Bates | Jones of Atascosa |
| Beckworth | Jones of Falls |
| Bell | Jones of Wise |
| Blankenship | Keefe |
| Boethel | Keith |
| Boyer | Kelt |
| Bradbury | Kenyon |
| Bridgers | Kern |
| Broadfoot | King |
| Brown | Knetsch |
| Burton | Langdon |
| Carssow | Lankford |
| Cathey | Lanning |
| Cauthorn | Lehman |
| Cleveland | Leyendecker |
| Colquitt | Little |
| Davis of Haskell | Loggins |
| Davis of Jasper | Lucas |
| Davisson | Mann |
| of Eastland | Mays |
| Dean | McConnell |
| Deglandon | McDonald |
| Dickison | McFarland |
| Dollins | McKinney |
| Donaghey | Moffett |
| England | Monkhouse |
| Farmer | Morris |
| Felty | Morse |
| Fielden | Newton |
| Fox | Nicholson |
| Fuchs | Oliver |
| Gibson | Palmer |
| Graves | Patterson |
| Hamilton | of Travis |
| Hankamer | Petsch |
| Hanna | Powell |
| Harbin | Prescott |
| Harper | Quinn |
| Harrell | Reader |
| Harris of Archer | Reed of Bowie |
| Harris of Dallas | Reed of Dallas |
| Harris of Dickens | Rhodes |
| Hartzog | Ross |
| Heflin | Russell |
| Herzik | Rutta |
| Holland | Schuenemann |
| Hoskins | Settle |
| Hull | Sewell |
| Hyder | Sharpe |

| | |
|------------------|------------|
| Shell | Tennant |
| Simpson | Tennyson |
| Skaggs | Thornberry |
| Smith of Hopkins | Weldon |
| Smith of Tarrant | Westbrook |
| Stinson | Winfree |
| Stocks | Wood |
| Talbert | Worley |
| Tarwater | |

Absent

| | |
|------------|--------------------|
| Anderson | Leath |
| Bradford | Leonard |
| Callan | London |
| Derden | Mauritz |
| Hardin | Patterson of Mills |
| Howard | Ragsdale |
| Huddleston | Waggoner |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

The Speaker then laid House Bill No. 10 before the House on third reading and final passage.

The bill was read third time.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 10, by striking out the following: "No fee or other charge shall be made for registration of applicants by any employment agent", and insert in lieu thereof the following: "No fee or other charges shall be made by any employment agent or agency for registration of applicants for employment".

THORNTON,
WORLEY.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 10 was then passed by the following vote:

Yeas—120

| | |
|-------------|-----------|
| Adkins | Bradbury |
| Amos | Bradford |
| Baker | Bridgers |
| Bates | Broadfoot |
| Beckworth | Brown |
| Bell | Burton |
| Blankenship | Carssow |
| Boethel | Cauthorn |
| Boyer | Cathey |

| | |
|-------------------|------------------|
| Cleveland | Lehman |
| Colquitt | Leyendecker |
| Davis of Haskell | Little |
| Davis of Jasper | London |
| Davisson | Lucas |
| of Eastland | Mann |
| Dean | Mays |
| Deglandon | McConnell |
| Derden | McDonald |
| Dickison | McFarland |
| Dollins | McKinney |
| Donaghey | Moffett |
| England | Monkhouse |
| Farmer | Morris |
| Felty | Morse |
| Fielden | Newton |
| Fox | Nicholson |
| Fuchs | Oliver |
| Gibson | Palmer |
| Graves | Patterson |
| Hamilton | of Travis |
| Hankamer | Petsch |
| Hanna | Powell |
| Harbin | Prescott |
| Harper | Quinn |
| Harrell | Reader |
| Harris of Archer | Reed of Bowie |
| Harris of Dallas | Reed of Dallas |
| Harris of Dickens | Rhodes |
| Hartzog | Ross |
| Heflin | Russell |
| Herzik | Rutta |
| Holland | Settle |
| Hoskins | Sewell |
| Hull | Sharpe |
| Hyder | Simpson |
| Jackson | Skaggs |
| Johnson of Ellis | Smith of Hopkins |
| Johnson | Smith of Tarrant |
| of Tarrant | Stinson |
| Jones of Angelina | Stocks |
| Jones of Falls | Talbert |
| Jones of Wise | Tarwater |
| Keefe | Tennant |
| Keith | Tennyson |
| Kelt | Thornberry |
| Kenyon | Waggoner |
| Kern | Weldon |
| King | Westbrook |
| Knetsch | Winfree |
| Langdon | Wood |
| Lankford | Worley |
| Lanning | |

Absent

| | |
|-------------------|--------------------|
| Alexander | Leath |
| Alsup | Leonard |
| Anderson | Loggins |
| Callan | Mauritz |
| Hardin | Patterson of Mills |
| Howard | Ragsdale |
| Huddleston | Schuenemann |
| Jones of Atascosa | Shell |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

HOUSE BILL NO. 31 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 31, A bill to be entitled "An Act providing the time when mourning doves and white-winged doves may be shot in this State, fixing the bag limit and possession limit of same, fixing the hours for shooting and making regulations for shot-guns that may be used for shooting migratory birds and other game birds; providing a penalty for the violation of any such regulations; repealing all laws in conflict with any Section of this Act; providing that Sections 1, 2 and 3 of this Act shall be effective only during the year 1937; providing that on and after January 1st, 1938, it shall be the duty of the Game-Fish and Oyster Commission to make adequate investigation of the mourning dove and white-winged dove supply and upon the basis of such findings to issue proclamations permitting and regulating the taking of such birds; providing that it shall be unlawful to take any mourning dove or white-winged dove except in accordance with the regulations issued by the Game, Fish and Oyster Commission; providing a penalty for violations of this Act or for violation of any regulation issued hereunder; providing a rule for construction, and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 31 pass to engrossment?

HOUSE BILL NO. 40 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 40, A bill to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commis-

sioner of Labor to prescribe the form of receipts, and declaring an emergency."

The bill was read second time.

Mr. Worley offered the following amendment to the bill:

Amend House Bill No. 40, by striking out the following: "No fee or other charge shall be made for registration of applicants by any employment agent", and insert in lieu thereof the following: "No fee or other charge shall be made by any employment agent or agency for registration of applicants for employment".

THORNTON,
WORLEY.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 40 was then passed to engrossment.

HOUSE BILL NO. 40 ON THIRD READING

Mr. Worley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 40, be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

| | |
|------------------|-------------------|
| Adkins | Derden |
| Alsup | Dollins |
| Amos | Farmer |
| Anderson | Felty |
| Baker | Fielden |
| Bates | Fox |
| Beckworth | Gibson |
| Bell | Graves |
| Blankenship | Hamilton |
| Boethel | Hankamer |
| Boyer | Hanna |
| Bradbury | Harbin |
| Bradford | Hardin |
| Bridgers | Harper |
| Broadfoot | Harris of Dallas |
| Brown | Harris of Dickens |
| Burton | Herzik |
| Callan | Holland |
| Carssow | Hoskins |
| Cauthorn | Hyder |
| Cleveland | Jackson |
| Colquitt | Johnson of Ellis |
| Davis of Haskell | Johnson |
| Davis of Jasper | of Tarrant |
| Davisson | Jones of Angelina |
| of Eastland | Jones of Atascosa |

Jones of Falls
Jones of Wise
Keefe
Keith
Kelt
Kenyon
Kern
King
Knetsch
Langdon
Lankford
Lanning
Lehman
Leonard
Leyendecker
Little
Loggins
London
Lucas
Mann
McConnell
McFarland
McKinney
Moffett
Monkhouse
Morris
Morse
Newton
Nicholson
Oliver
Palmer

Patterson
of Travis
Petsch
Powell
Prescott
Quinn
Ragsdale
Reader
Reed of Bowie
Reed of Dallas
Ross
Russell
Rutta
Schuenemann
Settle
Sewell
Shell
Simpson
Skaggs
Smith of Tarrant
Stinson
Stocks
Talbert
Tarwater
Tennant
Thornberry
Waggoner
Weldon
Westbrook
Winfree
Wood
Worley

Absent

| | |
|------------------|--------------------|
| Alexander | Howard |
| Cathey | Huddleston |
| Dean | Hull |
| Deglandon | Leath |
| Dickison | Mauritz |
| Donaghey | Mays |
| England | McDonald |
| Fuchs | Patterson of Mills |
| Harrell | Rhodes |
| Harris of Archer | Sharpe |
| Hartzog | Smith of Hopkins |
| Heflin | Tennyson |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

The Speaker then laid House Bill No. 40 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

| | |
|--------|----------|
| Adkins | Amos |
| Alsup | Anderson |

| | |
|-------------------|------------------|
| Baker | Kern |
| Bates | King |
| Beckworth | Knetsch |
| Bell | Langdon |
| Blankenship | Lankford |
| Boethel | Lanning |
| Boyer | Lehman |
| Bradbury | Leonard |
| Bradford | Leyendecker |
| Bridgers | Little |
| Broadfoot | Loggins |
| Brown | London |
| Burton | Lucas |
| Callan | Mann |
| Carssow | McConnell |
| Cauthorn | McFarland |
| Cleveland | Moffett |
| Colquitt | Monkhouse |
| Davis of Haskell | Morris |
| Davis of Jasper | Morse |
| Davison | Newton |
| of Eastland | Nicholson |
| Deglandon | Oliver |
| Derden | Palmer |
| Dollins | Patterson |
| Donaghey | of Travis |
| England | Petsch |
| Farmer | Powell |
| Felty | Prescott |
| Fielden | Quinn |
| Fox | Ragsdale |
| Gibson | Reader |
| Graves | Reed of Bowie |
| Hamilton | Reed of Dallas |
| Hankamer | Ross |
| Hanna | Russell |
| Harbin | Rutta |
| Hardin | Schuenemann |
| Harper | Settle |
| Harris of Archer | Sewell |
| Harris of Dallas | Sharpe |
| Harris of Dickens | Shell |
| Hartzog | Simpson |
| Heflin | Skaggs |
| Herzik | Smith of Hopkins |
| Holland | Smith of Tarrant |
| Hyder | Stinson |
| Jackson | Stocks |
| Johnson of Ellis | Talbert |
| Johnson | Tarwater |
| of Tarrant | Tennant |
| Jones of Angelina | Tennyson |
| Jones of Atascosa | Thornberry |
| Jones of Falls | Waggoner |
| Jones of Wise | Weldon |
| Keefe | Westbrook |
| Keith | Winfree |
| Kelt | Wood |
| Kenyon | Worley |

Absent

| | |
|-----------|----------|
| Alexander | Dickison |
| Cathey | Fuchs |
| Dean | Harrell |

| | |
|------------|--------------------|
| Hoskins | Mays |
| Howard | McDonald |
| Huddleston | McKinney |
| Hull | Patterson of Mills |
| Leath | Rhodes |
| Mauritz | |

Absent—Excused

| | |
|-------------------|--------------|
| Bond | Riddle |
| Cagle | Roark |
| Celaya | Smith |
| Davison of Fisher | of Matagorda |
| McKee | Stevenson |
| Metcalfe | Thornton |
| Pope | Vale |

HOUSE BILL NO. 41 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 41, A bill to be entitled "An Act to amend Section 9, Article IV, House Bill No. 8, passed in the Third Called Session of the Forty-fourth Legislature, by providing for a tax of ten (10c) cents on each One Hundred (\$100.00) Dollars or fraction thereof on all notes and sale contracts over the sum of Two Hundred (\$200.00) Dollars executed after the effective date of this Act; providing certain exceptions; providing for the affixing of note stamps to such notes or sales contracts; providing for the method of paying the tax; providing that no note or sales contract shall be a binding obligation unless the tax is paid; providing the manner in which the said stamps shall be made available; providing for the design and denominations of such stamps; providing that the State Treasurer may send a supply of stamps to the County Clerks of the respective counties; prescribing the duties and compensation of County Clerks in respect thereto; making distribution of the revenue derived from such tax; making the State Treasurer and the County Clerks of this State responsible for the custody and sale of the stamps; providing that the bondsmen of the State Treasurer and the County Clerks shall be liable for the proceeds of the stamps; providing for the engraving or printing of such stamps; authorizing the expenditure of such sums as may be necessary to have an adequate supply of stamps available; making appropriations for carrying out the provisions of the Act, and declaring an emergency."

The bill was read second time.

Mr. Holland offered the following amendment to the bill:

Amend House Bill No. 41, Section 5 thereof, same being the emergency clause, by striking out the words following the words "financial needs" through and including the word "end".

The amendment was adopted.

Mr. Sharpe offered the following amendment to the bill:

Amend House Bill No. 41, page 2, line 3, by striking out after the words "this Act", all other words in line 3 down to and including line 15.

SHARPE,
RUSSELL.

On motion of Mr. Holland, the amendment was tabled.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 41, page 3, by striking out the semicolon in line 8 and substituting a period therefor, and by striking out from the words "providing however" through the words "as herein provided".

On motion of Mr. Harris of Dallas, the amendment was tabled.

Mr. Fielden offered the following amendment to the bill:

Amend House Bill No. 41, Section 1, Subsection F, lines 18, 19, page 3, by striking out, "and the remainder to the credit of the General Revenue of the State", and insert in lieu thereof the following: "¼ to the credit of the General Revenue Fund and ½ to the credit of the Old Age Assistance Fund".

The amendment was adopted.

Mr. Hartzog offered the following amendment to the bill:

Amend House Bill No. 41, by striking out all below line 38 on page 1 down to line 11 on page 4, and insert in lieu thereof the following:

"Section 9. Section 9 of Article IV of the Forty-fourth Legislature is hereby in all things repealed."

Mr. Holland raised a point of order, on consideration of the amendment, on the ground that the amendment seeks to change the original purpose of the bill.

Question—Shall the point of order be sustained?

TO GRANT DISTRICT JUDGE ALLAN D. MONTGOMERY LEAVE OF ABSENCE

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 2, To grant District Judge Allan D. Montgomery leave of absence.

Whereas, On account of the serious and protracted illness of his son, it will probably be necessary for the Honorable Allan D. Montgomery, Judge of the 30th Judicial District, to be absent from the State for a considerable time during the next six months in order to care for and see that his son is properly treated; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Honorable Allan D. Montgomery, Judge of the 30th Judicial District, be and he is hereby granted a leave of absence from the State for a period of sixty days during the months of October, November and December, 1937, and January, February and March, 1938.

The resolution was read second time, and was adopted.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. B. No. 1, "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay contingent expenses, and to pay the mileage and per diem of Members and per diem of officers and employees of the Second Called Session of the Forty-fifth Legislature, and to pay any unpaid bills or accounts of the First Called Session of the Forty-fifth Legislature; also, there is hereby reappropriated any unexpended balances to the credit of the Contingent Expense Fund of the House of Representatives, same being No. W-1377 account, and be used for the same purposes as is above set out, as may be found necessary, and declaring an emergency."

H. C. R. No. 11, Concerning the

classification of cotton intended for Governmental Loans.

H. C. R. No. 12, Extending Invitation to the Confederate Veterans to be guests at the Old Men's Confederate Home.

ADJOURNMENT

On motion of Mr. Moffett, the House, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Counties: House Bill No. 32.

Rules: House Simple Resolution No. 8.

State Affairs: House Bills Nos. 19, 21 and 36; House Concurrent Resolutions Nos. 2, 5, 8, 10 and 13.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, "An Act making an appropriation of the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay contingent expenses and to pay the mileage and per diem of Members, and per diem of officers and employees of the Second Called Session of the Forty-fifth Legislature, and to pay any unpaid bills or accounts of the First Called Session of the Forty-fifth Legislature; also, there is hereby reappropriated any unexpended balances to the credit of the Contingent

Expense Fund of the House of Representatives, same being No. W-1377 account, and be used for the same purposes as above set out, as may be found necessary, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, September 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 11, Requesting the Department of Agriculture of the United States to place properly qualified Government licensed cotton classers at all necessary and strategic points in the State of Texas to properly grade and staple cotton which is intended for Governmental loans.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, September 30, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 12, Authorizing the Board of Control to extend an invitation to the Confederate Veterans to be the guests of the State of Texas at its Old Men's Confederate Home on October 12, 13 and 14, 1937.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

BILL SENT TO THE GOVERNOR

October 4, 1937

House Bill No. 1.

CONCURRENT RESOLUTIONS SENT TO THE GOVERNOR

October 4, 1937

House Concurrent Resolution No. 11.

House Concurrent Resolution No. 12.

In Memory of
Honorable William E. Hawkins

Mr. Bradbury offered the following resolution:

H. S. R. No. 12, In memory of Honorable William E. Hawkins.

Whereas, On July 23, 1937, the Supreme Ruler of the Universe in His Divine Wisdom called from this earth the Honorable William E. Hawkins, a distinguished citizen of West Texas and a resident of Abilene, Taylor County, Texas; and

Whereas, The Honorable William E. Hawkins was born in Louisiana, September 26, 1862, and served as First Assistant Attorney General of Texas under the distinguished Robert Vance Davidson, Judge Hawkins served as State Banking and Insurance Commissioner of this State and for eight years served as Justice of the Texas Supreme Court; and

Whereas, Texas is deprived of the brilliant Statesman and distinguished Jurist in the passing of Judge Hawkins; therefore, be it

Resolved by the House of Representatives of the State of Texas, That we now express to the family of the deceased our sincere sympathy in this, their hour of sadness and sorrow, and that when the House adjourns today that it do so out of honor and respect to the memory of the Honorable William E. Hawkins, and that a copy of this resolution be spread upon the Journal of the House, and that the Chief Clerk be instructed to send copies of it to the members of the family of the deceased.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Anderson, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carsow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, Donaghey, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Lehman, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mays, McConnell, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.